

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FIDELITY MANAGEMENT TRUST)	
COMPANY, as Collateral Agent for Mellon)	
Bank, N.A., as Trustee of Bell Atlantic Master)	
Trust with Respect to Account C)	
)	Civil Action No. 04-cv-11873 NMG
Plaintiff,)	
v.)	
)	
RICCARDO OLIVIERI, an individual)	
)	
Defendant.)	
)	
)	
)	
)	

**FIDELITY MANAGEMENT TRUST COMPANY’S ASSENTED TO MOTION FOR
LEAVE TO FILE REPLY TO DEFENDANT’S OPPOSITION TO MOTION TO
VACATE REMOVAL AND FOR REMAND**

Fidelity Management Trust Company (“Fidelity”) as collateral agent and investment manager and not individually, on behalf of Mellon Bank, N.A. (“Mellon Bank”), as Trustee of the GTE Service Corporation Plan for Employees’ Pensions Trust with respect to Account No. 176230, *n/k/a* the Bell Atlantic Master Trust with respect to Account C, hereby moves for leave to file the attached Reply to Defendant’s Opposition to Motion to Vacate Removal and for Remand. Counsel for Defendant Olivieri consents to the filing of this Motion.

This Reply Brief is necessary to respond to the numerous incorrect statements of fact and legal arguments set forth by Mr. Olivieri in his Memorandum in Support of Opposition to Motion of Plaintiff to Vacate Removal and for Remand. It would be unjust to Fidelity to allow Mr. Olivieri to assert erroneous facts relevant to this case without allowing Fidelity the opportunity to set the record straight. Fidelity also deserves the opportunity to respond to Mr. Olivieri’s misleading legal arguments in support of removal, particularly given that, by way of

the Guaranty at issue here, the parties previously had agreed to allow Fidelity to select the court in which any dispute arising out of the Guaranty (signed by Mr. Olivieri in his individual capacity) would be litigated.

WHEREFORE, Fidelity respectfully requests that this Court grant its Assented to Motion for Leave to File Reply to Defendant's Opposition to Motion to Vacate Removal and for Remand.

Respectfully submitted,

/s/ Brian H. Mukherjee

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Attorneys for Fidelity Management Trust Company,
as Investment Manager and Collateral Agent and
not Individually

Dated: November 8, 2004

LOCAL RULE 7.1A(2) CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), counsel for Fidelity conferred with counsel for Riccardo Olivieri in a good faith effort to determine whether defendant would assent to this Motion. Counsel for Mr. Olivieri assented to the Motion for Leave to File Reply.

Dated: November 8, 2004

/s/ Brian H. Mukherjee